

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HY CITE CORPORATION,

Plaintiff,

v.

REGAL WARE, INC. and
SALADMASTER, INC.,

Defendants.

ORDER

10-cv-168-wmc

Pursuant to the United States Motion for Certification and for Leave to Intervene pursuant to Fed. R. Civ. P. 5.1, and upon a determination of good cause, the court orders as follows:

1. The clerk of court shall send this order to the attorney general, which hereby certifies pursuant to 28 U.S.C. § 2403 that the constitutionality of 35 U.S.C. § 292, a statute affecting the public interest, has been called into question.
2. The United States' motion for leave to intervene in this matter is granted, and the clerk shall caption the United States as "Intervenor" for all future ministerial purposes and filing notices. In addition, the parties are ordered to serve all notices and any pleadings filed in this action, including appeal notices, upon the United States.
3. The briefing schedule on the constitutional challenge to 35 U.S.C. § 292 shall be as follows:
 - a. Intervenor United States shall have up to and including August 20, 2010, to file its opening brief;
 - b. Plaintiffs and defendants shall have until September 20, 2010, to file any

responsive briefs; and

- c. Intervenor United States shall have until October 20, 2010, to file its reply brief, if any.
4. All other scheduled dates, as provided in the Preliminary Pretrial Conference Order, remain unchanged.

IT IS SO ORDERED.

Dated this 25th day of June, 2010.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge